

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JIMMIE MARK PARROTT, JR. #1621310 §
VS. § CIVIL ACTION NO. 6:13cv361
DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

The above-entitled and numbered petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 was heretofore referred to United States Magistrate Judge Judith K. Guthrie. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Petitioner has filed objections.

Having made a *de novo* review of the objections raised by Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Petitioner's objections are without merit. Specifically, Petitioner contends he has demonstrated the loss of a liberty interest because he alleges that a recent parole opportunity was denied and set-off for a year due to his disciplinary case. However, that does not address the validity of the claims in his § 2254 petition; furthermore, his argument fails because a prisoner has no right to parole, only a mere hope that the benefit will be obtained, and therefore has no liberty interest such as Petitioner now claims. *Greenholtz v. Nebraska Penal Inmates*, 442 U.S. 1, 11, 99 S. Ct. 2100, 60 L. Ed. 2d 668 (1979) (citing *Board of Regents v. Roth*, 408 U.S. 564, 570-71, 92 S. Ct. 2701, 33 L. Ed. 2d 548 (1972)); *Malchi v. Thaler*, 211 F.3d 953, 957 (5th Cir. 2000) (there is no constitutional expectancy

of parole in Texas and, accordingly, any delay in a petitioner's consideration for parole cannot support a constitutional claim). Petitioner's objections are therefore without merit and are overruled.

It is therefore

ORDERED that the Petitioner's objections are **OVERRULED** and his petition pursuant to 28 U.S.C. § 2254 is **DENIED** and his action is **DISMISSED WITH PREJUDICE**. A certificate of appealability is **DENIED**. All motions by either party not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 30th day of July, 2013.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE